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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETER FRANKL AND
JOHN DECKARD,

Plaintiffs,

v.

NETOPIA, INC. AND ALAN LEFKOF,

Defendants.

Case No. 3:07-MC-80195-MHP (EMC)

(PENDING IN THE U.S. DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF TEXAS 3:05-CV-1757B)
(*PRO HAC VICE*)

**NOTICE OF WITHDRAWAL
OF PLAINTIFFS' MOTION TO
COMPEL PRODUCTION
OF DOCUMENTS**

Date: November 7, 2007
Time: 10:30 a.m.
Courtroom: C
Floor: 15th

TO: THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs, Peter Frankl and John Deckard, hereby withdraw Plaintiff's Motion to Compel Production of Documents (Docket No. 14). The hearing set for Wednesday, November 7, 2007, at 10:30 a.m. in Courtroom C with Magistrate Judge Edward M. Chen, 450 Golden State Avenue, 15th Floor, San Francisco, California 94102, will no longer be necessary to hear argument on this motion.

**NOTICE OF WITHDRAWAL OF
PLAINTIFFS' MOTION TO COMPEL
PRODUCTION OF DOCUMENTS**
Case No. 3:07-MC-80195-MHP (EMC)

1 Dated: October 2, 2007

GIBSON, MCCLURE, WALLACE & DANIELS, LLP

2 s/ Wade L. McClure

3 By:

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7 Attorneys for John Deckard and Peter Frankl

PROOF OF SERVICE

I am a citizen of the United States and employed in Dallas County, Texas. I am over the age of eighteen and not a party to the within-entitled action. I declare that I am an attorney at law admitted *pro hac vice* to practice in the Northern District of California. My business address is 8080 N. Central Expressway, Suite 1300, Dallas, Texas 75206. On October 2, 2007, I caused to be served by operation of the Court's electronic filing system a true and correct copy of the within document:

**NOTICE OF WITHDRAWAL OF PLAINTIFFS'
MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

by delivering copies thereof to:

Roland Michael Juarez, Esq.
rjuarez@akingump.com

Service on attorney admitted *pro hac vice* for Defendant Netopia, by certified mail, return receipt requested:

Stephanie Osteen
Akin Gump Strauss Hauer & Feld LLP
1700 Pacific Avenue
Suite 4100
Dallas, Texas 75201

Service on attorneys of Morrison & Foerster, Douglas Hendricks and Gregory Call, by certified mail, return receipt requested:

Douglas Hendricks
Gregory Call
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482

Executed on October 2, 2007, at Dallas, Texas 75206.

s/ Wade L. McClure

Wade L. McClure

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